

Date: 7/10/18

Tammie Pope
Nelson, Mullins, Riley, and Scarborough
Post Office Box 11070
Columbia, South Carolina 29211

RE: Violations of the Mental Health
Lawsuit Settlement Agreement

Ms. Pope,

I am writing to you regarding actions currently being taken by SCDC to place permanent steel plate covers over the windows of every prison cell throughout the Department of Corrections. I had heard rumors about it happening at other institutions, but didn't believe anything so extreme, so cruel and inhumane could actually be true. But then last week they began sealing off the windows here at Perry.

I stood in my room in shock and disbelief as I watched workers outside my window place a solid steel plate over it and bolt it tightly to the exterior wall, shutting out the welcoming sunlight, the blue sky overhead, and the green of the forest off in the distance, leaving me in a cold dark cell. In just a few short minutes they converted my little room into a windowless dungeon. And they're doing this throughout SCDC, to twenty thousand human beings. I just couldn't believe it.

For anyone who has never spent time in jail or prison, perhaps the idea of one's cell window being blocked off seems like a minor inconvenience. But for those who have endured any significant span of time

confined in a tiny cell, surrounded by the ugliness, violence, and despair of the prison environment, those little rectangles of blue sky are a precious thing. It is a precious thing in the struggle to preserve hope and sanity. There is a reason why all prisons have windows in their cells. It is not merely a reflection of simple human decency in a civilized society; it is a reflection of the commonsense understanding of what would happen to the human mind if people were locked away in windowless concrete vaults for long stretches of years.

After the workers finished sealing off my window and moved on to the next one, I sat down on the edge of my cot, feeling a crushing weight descend upon me. I've been incarcerated for a long time and I've watched over the years as the prison system here in South Carolina become steadily more punitive, more harsh and degrading. Each time I thought things couldn't possibly get any worse, prison officials proved me wrong and found yet another way to further restrict and burden the individuals under their control.

But then came the incredible victory with the mental health class action lawsuit and it seemed for a time that SCDC had reversed course, that it would once again acknowledge our humanity and attempt to help us redeem ourselves and turn our lives around rather than continue to crush us further and further underfoot. My hopes soared. I thought a new day was dawning in the correctional system.

The events of this past year, however, have proven that course-change to be largely an illusion. While other states have moved forward with prison reform, the South Carolina Department of Corrections has continued to go in the opposite direction, implementing one new draconian measure after another.

New York and Indiana, for example, has introduced tablet computers to their prison populations to further rehabilitative efforts. Meanwhile South Carolina is turning its entire prison system into essentially one giant supermax. With all cell windows being sealed off, and with inmates being confined in those cells for a steadily increasing percentage of their day due to severe, permanent staffing shortages, the situation is

verging on the point where there will be little differences between being in a punitive lockup unit (RHU) and being in the general population.

This situation is deeply troubling in its own right, but even more so because it goes directly against the intent and purpose of the mental health lawsuit settlement agreement, which was to improve the Department of Correction's treatment of inmates with mental health problems, including reducing the use of punitive lockup facilities to house them. Now SCDC is getting around that agreement by turning the entire prison system into a highly punitive, quasi-lockup housing facility.

As if to emphasize this shift to a "lock-up" prison system, SCDC is also in the process of discarding the tasteful tan uniforms we currently wear in favor of garish neon-orange jail garments with the word "INMATE" blazoned in large letters across the chest and back. The intent is clearly to further stigmatize and dehumanize. There is no legitimate reason to abandon the current, less demeaning uniforms.

This is all a prescription for disaster. It is a prescription for increased stress, anxiety, and despair amongst all the unfortunate, lost souls struggling to survive in this steadily darkening prison culture. It is a prescription for further psychological trauma and damage to the large percentage of inmates who suffer from various mental disorders. And ultimately - as a result of these harmful psychological consequences - it is a prescription for increased violence within the Department of Corrections - the very thing SCDC claims it is trying to avert with all the extreme measures it is implementing. Rather than solve the problem, the harsh steps SCDC is taking are the equivalent of throwing gasoline on the fire.

It is important to point out that none of the extreme measures SCDC is implementing are necessary to address the problems prison officials cite as justification for their action. For example, officials say the windows must be covered to stop inmates from cutting through the bars to retrieve contraband thrown over the perimeter fences. But incidents of cutting window bars has existed since prisons were first built over 200 years ago, yet no prison system before has ever insisted that the only solution to this problem is to take the radical step of eliminating all

cell windows. Rather, they used more reasonable measures, such as periodic cell inspections and foot patrols. SCDC has used these very measures before and could do so again. The real reason SCDC is turning to this draconian approach is because it is chronically understaffed due to a failure to pay adequate wages, and therefore struggles to marshal sufficient staffing to deter misconduct.

It is also important to point out here that it is not true that the main source of the increased violence in SCDC over the last several years is due to gangs and cell phones. This is a canard aimed at shifting blame from prison officials and the state legislature to the easily demonized inmate population. The primary causes of the increased violence are the following factors:

1. A Persistently underfunded prison system and underpaid staff, resulting in staffing shortages so severe it amounts to gross dereliction of the state's solemn duty to provide safe and humane conditions for the incarcerated citizens under its care;
2. The passage of harsh sentencing laws back in the 80's and 90's which has resulted in an increasing percentage of prison inmates with extraordinarily long sentences and little or no hope of release, regardless of good conduct or efforts at self-reform;
3. The long-standing lack of access to rehabilitative programming, meaningful work, and other positive activities for large segments of the prison population;
4. A long-established pattern in SCDC of relentlessly implementing harsher and harsher prison policies over the years that touch every single aspect of an inmates life, steadily increasing restrictions, pressure, and psychological strain on him until conditions have finally reached the point where the camel's back is beginning to break. It has been akin to a kind of death by a thousand cuts.

When you take 20,000 human beings from mostly deprived and dysfunctional backgrounds and confine them in an intensely harsh and hostile environment for decades, with no hope of release, with little positive to do, and with dangerously inadequate staffing, you don't need a degree in psychology or corrections management to see what this will lead to: eventual chaos and violence. The attempts of some prison officials and state politicians to explain it all away as simply a matter of gangs and cell phones is an outrageous falsehood.

It is my belief that the extreme, counter-productive measures that SCDC is currently implementing in the prison system are a violation of the mental health lawsuit settlement agreement - certainly a violation of the spirit and intent, if not the exact letter, of the agreement. These actions SCDC is taking - turning cells into windowless dungeons, keeping the inmates population locked in those dungeons for large segments of each day, and garbing them in garish new uniforms that are deliberately degrading and dehumanizing - will cause serious psychological harm (and physical harm from the increased violence it will incite) to every person confined in the prison system, Particularly the class of inmates with mental health vulnerabilities that the lawsuit settlement was supposed to protect and improve the living conditions for.

I would therefore like to request that you pass this letter on to whomever is responsible for overseeing the implementation of the lawsuit settlement. I want the judge in the case to be made aware of what SCDC is doing. And I am requesting that the settlement monitor ask the judge to issue a court order directing SCDC to halt and reverse the harmful, settlement-violating measures it is taking.

Sincerely,

The Law firm of Nelson, Mullins, Riley and
Scarborough....

Attn: Mr. Stuart Andrews JR.
P.O. Box 11070
Columbia, S.C. 29211

September 13, 2018

Dear Mr. Andrews:

Hello my name is
an inmate housed at

I'm a
old who suffers from PTSD, Bipolar Disorder
manic depression. I'm writing you on behalf of
the hell I've been going thro these last 33 days
and it's not getting any better before I explain
my situation I didn't get diagnosed with my
mental illness while in prison I've had a mental
health record prior to my conviction to were
I've had a couple of suicide attempts that
lead me

this letter comes to you hoping for some
assistance because I'm at the stage
of giving up and trying again for
there's no hope, help or any sense of

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Care from the so called staff here at this Inst.
my letter comes to you I'm on lock up suppose
to be restricted housing unit "RHO" not for any
disciplinary reasons which is what it's for but I
had to place myself on Protective Custody
for having my life threatened by a gang member.

I alerted staff and had to write a
Statement plus try an stop the panic attacks or whatever
I was experiencing well nothing has happen as far
as I was suppose to have a Protective Custody
hearing within 10 days of being here I haven't yet
neither have I heard anything
Status I've reached out to my so called mental
health counselor and I rather just
die I haven't spoken to [redacted] but two times since
being up here on the [redacted]
and when trying to speak with [redacted] on the [redacted] to
explain my feelings. Words were "I told you not
to come up here" I don't want to die in prison from
another inmate I rather do it myself which probably
may be my option I sit in a unsanitary Box 24hrs
a day with no light in my cell except for when
the sun is out I have no running water at
all except the water in the toilet which I swear
on my life I had to drink a couple of times
because of thirst and to take meds I've mentioned
this every day to staff here nothing has changed

There's Blood Splatter on the walls from an Inmate before me that wasn't cleaned along with the urine stains I'm afraid to go take a shower even though no inmates are out it's the point of being handcuffed behind my back with some type of black box on it and walked on a dog leash by two officers why should I have to experience this and I'm not up here on any disciplinary actions the food is cold when it does come if I cry out about suicide or wanting to speak with someone I'll be stripped naked and given a green wrap around blanket until someone decides to come from mental health which only [redacted] maybe will come and that's only when, [redacted] Suppose to make [redacted] rounds just on yesterday [redacted] I watched an inmate cut himself not only did the officers take their time but I never seen any mental health staff come up here in trying to see the psych doctor you have to talk to him thru a t.v. screen which others around you can listen in on your conversation nothing is private the same goes for being placed up here even if I wanted to try and speak to mental health [redacted] is loud and unprofessional I've written the warden(s) wrote to other mental health staffs all with no response I'm not allowed but 15min phone call per week I'm not allowed visits, canteen etc..

LEGAL MAIL
MAIL ROOM

I'm giving a hygiene bag every month. to where I'm
now out of toothpaste I've lost a serious amount
of weight from depression and loss of appetite
and taking as of now just Zoloft and visceral
isn't helping and before this took place and
being on general population I can't take the meds
to cause drowsiness etc.. because of being
around dangerous inmates I've been incarcerated for
10 yrs. now and hopefully have a chance to have
my case heard in court due to mental health playing
a role but I may not make until then because
of the isolation I'm now in just because I
wanted to save my life a couple of months ago
an inmate hung himself up on lockup because he
cried out for help and didn't get it I can't
tell you if I'm next because I honestly don't
know I'm trying to pray daily and focus but
depression is winning and I didn't deserve to
be placed in this box and forgot about it would
be different if I did something to break
the rules but I haven't just wanted
to survive but now it feels like everything has
closed in on me I reached out to the
American Civil Liberties Union and a
stated my letter was (4

forwarded to your firm but I need some
help before I crash I've learned a lot
about PTSD and Bipolar since being diagnosed
— but I'm losing at this moment and
no one seems to care ~~so~~ if this is the first
and last letter you receive from me it's because
the illness has won but please help the
others up here just like me I just
want to know is it fair to want to save
your own life but be placed in this box 24hrs
a day, no running water, no lights, no food
except the little portion they give, walked on
a dog leash, mostly noisey can't sleep no
mental health or health services because theres
no sick call hasn't been since March 2018
warden won't write back so whats the point
to survive... Thank you Dearly —

9-13-18

8-22-18

Dear Tammy Pope -

SCDC Keeps placing me in cells with dangerous people () And the deluge of K-2 And crystal meth MAKES the environment hyper violent And Hyper SEXUAL. Shortly before 11pm count on [] I woke to my cell mate [] inserting his penis in my rectum TAMMY I WAS SOUND ASLEEP. I am now on []

[] This guy is Not Mental health And on No meds. I screamed out from the pain And told him NO! [] Stop! And he said just be still. He was finished a minute later. He went to wash at the sink And I told him what he just did is RAPE. He SAID "well you GAY, aint you?" I got up And looked out the cell window and there WAS No officer on the wing. Not until 2 AM when he let Kitchen workers out. Still I could Not get his attention. I had to wait till Sgt [] came around to count At 8 AM to tell [] him and get out of the cell.

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He called Another officer And they took me
And my property out of the cell. I was
taken up front and than to medical. I

_____ ! I WAS taken to A
HOSPITAL and they took ~~all my~~ cloths and
took ALL the STUFF for the RAPE KIT.
TAMMY this is the 5th time. I Keep
begging them to house me in A Safe
C B U program Dorm and to Keep me
single celled. I have ove 15 _____ E-MAILS
on the Kiosk system still pending where
I wrote _____

going on and I needed to be moved but I checked them this morning and they have not even been read responded to or any action taken. They are so short of staff the white shirts are working a whole dorm by them selves. I have not had a shower in 9 days. That's even after being raped. My counselor is gone for training. My psychiatrist said, "Never got that RTSM you forwarded

And [redacted] couldn't be reached.

I call the [redacted]

help line And that Lady said she can not do any direct Advocacy like they do for victims on the outside. All she can do is tell me its Not your fault and Dont Kill yourself. she cant contact SCDC for me to give A professional Recommendation to keep me in A safe CBU dorm and keep me single celled. TAMMY how AM I suppose to Sleep with Another MAN in My cell ever again? who could? ON TOP of that [redacted] only pulled my Property into the SALLY Port and inmates stole my Radio State Shorts Batteries Soap And asst Hygiene. So Because they didnt Bother to secure my Property I've be victimized that way too. And today [redacted] said I could have A Shower But I had to wait for [redacted] to bring Shower shoes. When he came I WAS on the [redacted]. The CO officer CARTER SAID I forfeit my Shower for [redacted]. I told [redacted] said I

I could have A Shower And wispered to her I was on the PREA hotline. She Screamed At Me SO! You Know What Your Problem is. You think Someone Owes You Something! And I wont be getting No Shower to day. ON top of that Humiliation She told _____ the Dorm worker I got raped And Am over _____ on P.C. Of course he spread the gossip to All the inmates I got changed to _____

I found A Psch encounter By _____ All in 22 month. Predicted I would have great difficulty if released into _____ where he General Population. I been through Hell. I just want to be safe without being punished. TAMMY will you PLEASE MAKE A copy of this letter And send it to _____

(I enclosed An envelope Addressed to Her)

—Thank You!